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State of Kansas

Department of Health
and Environment

Permanent Administrative Regulations

Article 1.—DISEASES

28-1-23. Management of occupational exposures.

(a) For the purpose of this regulation, each of the following terms shall have the meaning specified in this subsection:

(1) "Occupational exposure" means any occupational exposure, as defined in K.S.A. 65-116a and amendments thereto, that occurs to any of the following under the conditions specified:

(A) Any individual providing medical or nursing services, clinical or forensic laboratory services, emergency medical services, or firefighting, law enforcement, or correctional services, whether for compensation or as a volunteer;

(B) any individual in training for certification, licensure, a position, or a job providing any services listed in paragraph (a)(1)(A); or

(C) any individual receiving services from an individual specified in paragraph (a)(1)(A) or (B).

(2) "Exposed person" means any individual who had an occupational exposure.

(3) "Source person" means any individual from whom an occupational exposure originated.

(4) "Infection control officer" means the individual on duty and designated to monitor and respond to occupational exposures by an entity providing medical or nursing services, clinical or forensic laboratory services, emergency medical services, or firefighting, law enforcement, or correctional services.

(b) Each exposed person specified in paragraph (a)(1)(A) or (B) shall inform the entity's infection control officer about the occupational exposure as soon as possible, but within four hours of the occupational exposure.

(c) The infection control officer shall determine whether the occupational exposure was sufficient to potentially transmit a pathogen or an infectious and contagious disease, considering current guidelines from the Kansas department of health and environment, the centers for disease control and prevention, and the United States public health service.

(d) If the infection control officer determines that the occupational exposure was sufficient to potentially transmit a pathogen or an infectious and contagious disease, the infection control officer shall direct that an appropriate specimen be obtained from the source person for testing.

(1) If the source person refuses to provide a specimen for testing, the infection control officer may submit an application to a court of competent jurisdiction for an order requiring the source person to submit an appropriate specimen for testing. The application shall include the following:

(A) An allegation that the source person has refused to provide an appropriate specimen for testing following an occupational exposure;

(B) the specific test or tests needed to be performed; and

(C) specification of whether and how frequently any additional tests may be required.

(2) If the source person has died and the infection control officer requests a specimen, the custodian of the source person's remains shall obtain and preserve an appropriate specimen from the source person for testing.

(e) If a person who has been transported to a health care facility is subsequently determined to be a source person of a pathogen or an infectious and contagious disease that can be transmitted from person to person through the air or by exposure to respiratory droplets, the following notifications shall be required:

(1) Within four hours of the diagnosis, the treating health care provider shall notify the infection control officer of the health care facility of the presence of a source person.

(2) Within four hours of receiving notification from the treating health care provider, the infection control officer of the health care facility shall provide to the entity that transported the source person at least the following information:

(A) The name of the source person;

(B) the diagnosis; and

(C) the date and time the source person was transported to the health care facility.

(3) Within four hours of receiving notification from the health care facility, the infection control officer of the entity that transported the source person shall notify all other entities whose personnel could have cared for or interacted with the source person in a manner that could transmit the pathogen or the infectious and contagious disease and shall provide at least the following information:

(A) The name of the source person;

(B) the diagnosis; and

(C) the date and time the source person was transported to the health care facility.

(f) The results of the infectious and contagious disease test or tests shall be disclosed to the exposed person, the infection control officer responsible for the exposed person, and the source person as soon as possible. To the extent feasible, the disclosure to the exposed person shall not include the name or identity of the source person.

(g) If an infection control officer has determined that a person who is or has been in the care or custody of an individual providing medical or nursing services, emergency medical services, or firefighting, law enforcement, or correctional services has been exposed to an infectious and contagious disease, blood, or other potentially infectious materials by the individual providing those services, the infection control officer shall advise the exposed person and recommend appropriate testing as soon as feasible. (Authorized by and implementing K.S.A. 2013 Supp. 65-128; effective April 11, 2014.)

Robert Moser, M.D.
Secretary of Health
and Environment

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